

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TAIMI MEGIVERN,

Plaintiff,

v.

Case No. 2:11-cv-10026

GLACIER HILLS INCORPORATED,

Defendant.

**ORDER STRIKING PLAINTIFF'S AMENDED COMPLAINT AND DENYING PARTIES'
JOINT MOTION TO EXTEND ALL SCHEDULING DATES BY 30 DAYS**

The court has before it Plaintiff's amended complaint, filed on September 8, 2011. After March 4, 2011—21 days after service of Defendant's answer to Plaintiff's original complaint—Plaintiff could amend her complaint only with Defendant's written consent or the court's leave. See Fed. R. Civ. P. 15(a)(1), (2). As Plaintiff received neither, her amended complaint was improvidently filed and will be stricken.

Also before the court is the parties' joint motion to extend all scheduling dates by 30 days, filed on September 12, 2011. Although the court has already granted the parties one 30-day extension of the discovery deadline set in this case, the counsel for both parties ask for a second extension "due to their current caseloads and need to take more depositions"; in particular, Plaintiff argues that, "[d]uring the course of discovery, [she] identified additional witnesses who need to be deposed" and "[n]either party is able to identify a single date prior to the close of discovery on which to schedule the depositions." (Joint Mot. Ext. Dates 2.) As the court noted in its March 21, 2011 scheduling order, it seldom modifies scheduling orders to extend deadlines. When the

court does agree to do so, it is only on a showing of “good cause,” see Fed. R. Civ. P. 16(b)(3)(4), that is, only if the schedule in place “cannot reasonably be met despite the diligence of the party seeking the extension.” *Leary v. Daeschner*, 349 F.3d 888, 906 (6th Cir. 2003) (quoting Fed. R. Civ. P. 16, 1983 advisory committee’s notes). Here, the parties have not demonstrated that, despite their diligence, they cannot reasonably meet the current deadlines, and thus the court is not persuaded that good cause exists to extend them. Accordingly,

IT IS ORDERED that Plaintiff’s amended complaint [Dkt. # 15] is STRICKEN from the court’s docket.

IT IS FURTHER ORDERED that the parties’ joint motion to extend all scheduling dates by 30 days [Dkt. # 16] is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 19, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 19, 2011, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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